

SALISBURY PLANNING BOARD RULES OF PROCEDURE

I PURPOSE: These rules are to provide for the orderly disposition of the business of the City of Salisbury Planning Board.

II RESPONSIBILITY OF THE BOARD:

A. TO SERVE THE PUBLIC INTEREST. The Planning Board's purpose is one of guiding and accomplishing a coordinated and harmonious development of the city that will, in accord with present and future needs, best and most efficiently promote the public health, safety, and general welfare. Appointment to the Planning Board, therefore, represents a public trust, giving a board member a responsibility to care for the general welfare of the city and an opportunity to help in shaping the present and future quality of life in the City of Salisbury.

Each board member's primary responsibility is to represent the best interests of the city as a whole. Board members are therefore expected to keep consideration of the general public interest foremost during their deliberations. They should consider the interests of particular individuals or groups only in the context of their relationship to the general public interest. Board members should not act as delegates of the particular neighborhoods, occupations, interest groups, or socio-economic groups of which they are a part.

Furthermore, the Planning Board often serves as a public forum for citizen participation and discussion of planning issues important to the community. At such times, the Board should attempt to draw out and clarify the positions of people on all sides of the issue, and to identify the relationship of such positions to the public interest.

B. TO ACQUIRE ADEQUATE INFORMATION AND KNOWLEDGE. Each Planning Board member has the responsibility to acquire whatever information and knowledge is necessary to fully understand and make wise decisions and recommendations in the interest of the City. To this end, a board member is expected to depend on both his or her own personal background, experience, expertise, and familiarity with the City (especially that part of the City in which he or she resides), as well as the expertise and knowledge of, and information available to, City staff members.

Board members are expected to have a full understanding of the City's Vision 2020 Plan and other adopted City policies and plans concerning development. They are expected to be familiar with Section 160D-301 of the NC General Statutes regarding Planning Board duties and their charge to make recommendations to City Council on certain matters, as well as familiar with the general scope, applicability, and organization of the City's Land Development Ordinance and its' review procedures.

C. TO MAKE RATIONAL DECISIONS. The Planning Board has the responsibility to ensure that the decision-making process it applies to any issue before it is not only rational, but is also perceived as rational. This means the Board's decision should consist of conclusions that are based on findings related to the standards, policies, and considerations applicable to the particular type of decision. Furthermore, such findings should be supported by information available to the Board-that is, information contained in an application, staff report, or other document submitted to

the Board, or included in any testimony presented before the Board, or explicitly stated by a Board member from his or her personal observations, knowledge, or experience.

D. TO TAKE A BROAD PERSPECTIVE. Board members have the responsibility to recognize the comprehensive and long-range nature of many of the Board's decisions. They must consider, as well as balance and integrate not only the many physical aspects of the issue being decided, but often also its economic and social aspects. They must consider not only the decision's immediate impacts on those persons most affected, but also its future and secondary impacts on the City as a whole. The Board should thus explicitly evaluate all facts, alternatives, means, and consequences relevant to its decisions.

III MEMBERSHIP AND OFFICERS: The number, qualifications and appointment of members, their terms of office and the filling of vacancies shall be in accordance with Article II, Section 19-28 of the City of Salisbury Code.

A. OFFICERS AND DUTIES

1. The officers of the Salisbury Planning Board shall be a chair and vice chair.
 - a. The chair shall preside at all meetings, appoint all standing and temporary committees, and shall exercise full voting rights on any matters under consideration.
 - b. The vice chair shall perform the duties of the chair in the absence of the chair or if the chair has a conflict of interest.
 - c. A temporary chair shall be elected by a majority of those present and voting in the absence of the chair and vice chair.
2. A Secretary shall be appointed by the Planning Board chair. The Secretary shall keep a record of all business transacted at any meeting of the Planning Board. The minutes of the Planning Board shall be known as unofficial minutes until approved by the Planning Board, at which time they become official minutes. The minutes shall be public record and kept on file in the office of the Planning Board and available for inspection during regular business hours.

B. ELECTION OF OFFICERS

1. Planning Board officers shall be elected in March by a majority of the Planning Board membership and shall hold office for a one (1) year term. Officers shall take office in April of each year.
2. A Nominating Committee shall recommend the nomination of a chair and vice chair. In addition, nominations may be made from the floor.
3. Vacancies in office shall be filled immediately by regular election procedure.
4. The chair shall have at least two consecutive years' experience as a member of the Planning Board. The vice chair shall have at least two years' experience as a Planning Board member.

IV REGULAR OR SPECIAL MEETINGS:

- A.** Regular meetings shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes of North Carolina and shall be held the second and fourth Tuesdays of each month, at 4:00 p.m., in the City Council Chambers, unless otherwise specified.
- B.** A quorum shall consist of a majority of the appointed membership of the Board, excluding vacancies. The number of votes necessary to take action shall be a majority of those present and voting. All voting shall be recorded.
- C.** Special meetings may be called by the chair. However, it shall also be the duty of the chair to call a special meeting when requested to do so by a minimum of seven members of the Board. At a Special meeting, only the business designated as the purpose of the meeting may be transacted.
- D.** Whenever there is no business for the Planning Board, the chair may cancel a regular meeting.
- E.** The regular second meeting in January of each year shall be the Annual Meeting. At that meeting, the Board's annual goals are to be adopted.
- F.** All meetings, including committee meetings, shall be open to the public and shall be subject to all provisions of the North Carolina Open Meetings Law.
- G.** A regular meeting of the Board shall be limited to a 2-hour duration unless extended by a majority of those members present and voting.
- H.** When an issue arises which is not specifically covered by these rules, the Board will be governed by Robert's Rules of Order Newly Revised.

V HEARING PROCEDURES:

A. Courtesy Hearings:

1. Courtesy hearings may be called by the Planning Board on any matters of interest to the Planning Board; however, the Board shall not be compelled to hold another courtesy hearing upon returning a matter of interest from committee consideration.
2. A quorum shall be required for conducting a courtesy hearing.
3. For legislative or policy matters, the chair shall first call for staff remarks. Following staff remarks, the chair may call for the petitioner to present their case for a maximum of three (3) minutes. The chair may then open the courtesy hearing for those interested parties speaking in opposition followed by those interested parties speaking in favor – each speaking for a maximum of three (3) minutes. Following the courtesy hearing, the chair may recall the petitioner for response and rebuttal for a maximum of three (3) minutes. The petitioner may forego the initial presentation of their case and respond for a maximum of six (6) minutes following the courtesy hearing.
4. With permission from the chair, any Board member may recall the petitioner or an interested party for questions or clarification.

VI BOARD COMMITTEES:

A. The Planning Board chair shall make all committee appointments, including chair and vice chair officers for each committee. In the absence of the committee chair, the vice chair shall assume the chair's duties in the same manner as the Board's vice chair assumes the duties of the Board chair in his/her absence. Each committee shall consist of between three and five members, as assigned by the Board chair.

B. Committees may be assigned for different functions, with results forthcoming in different time frames. The general purpose of committees may be to study and make a report and/or recommendation on a rezoning, a Land Development Ordinance text amendment, the adoption of an Area Plan; or a request from City Council, the full Planning Board, or planning staff.

C. The Planning Board chair may appoint any other Planning Board member(s) as an additional alternate member to any committee as necessary for the purposes of satisfying quorum requirements. Quorum is hereby established as one more than half of the regular membership of the committee. If there is not a quorum for the committee meeting and an alternate has not already been named, the committee chair or, in his/her absence the committee vice chair, may appoint any other Planning Board member(s) in attendance as necessary to satisfy quorum requirements. Once quorum of the committee has been established, the committee must commence with the meeting and depart with a recommendation for the entire Planning Board, of which this recommendation shall be achieved by a motion and second of the committee.

D. Committee chairs shall determine the location, time, and date of the meeting, as well as the organization or agenda for the meeting, arrangement of the room, and public participation (if any). Committee chairs attempt to look at all sides of issues and involve other committee members in the discussion and eventually the formulation of the committee report.

E. Special & Transportation Committee. There shall be a Special & Transportation Committee, whose purpose is to assist staff in preparing recommendations for highway, street, transit, sidewalk, greenway, etc., improvement projects, including but not limited to projects listed in the Transportation Improvement Program (TIP), Salisbury Thoroughfare Plan, and any other related transportation matters, as well as any special projects.

VII BOARD MEMBERS:

A. On any case or matter in which a Board member has a direct personal, familial, organizational, or financial interest, the Board member shall declare such interest and abstain from Board consideration or determination relative to such case or matter.

B. Board members who appear before the Board shall be excused by the chair from the Board for such purpose and during any Board consideration or determination directly related thereto.

C. Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to a Planning Board determination of that case.

VIII ATTENDANCE:

- A. Attendance at all meetings of the Board and its committees shall be considered a prerequisite of continuing membership on the Planning Board.
- B. Any member of the Board shall be notified in writing if they miss more than two consecutive or more than 15% of regular Planning Board meetings, or more than three consecutive or more than 20% of committee meetings, during a rolling 12-month period.
- C. Any member of the Board who misses more than 25% of regular Planning Board meetings or more than 35% of committee meetings during a rolling 12-month period will be reported to City Council (or, in the case of ETJ members, to County Commissioners) asking that the member be replaced or appropriate action be taken.

IX ETHICAL PRINCIPLES IN PLANNING:

The planning process must continuously pursue and faithfully serve the public interest. To accomplish this, planning process participants should:

- A. Recognize the rights of citizens to participate in planning decisions.
- B. Strive to give citizens (including those who lack formal organization or influence) full, clear, and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs.
- C. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.
- D. Assist in the clarification of community goals, objectives, and policies in plan-making.
- E. Ensure that reports, records, and any other non-confidential information which is, or will be, available to decision-makers is made available to the public in a convenient format and sufficiently in advance of any decision.
- F. Strive to protect the integrity of the natural environment and the heritage of the built environment.
- G. Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained. Per North Carolina General Statutes 160D-109, members of appointed boards shall not vote on any advisory or legislative decisions regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A “close familial relationship” is defined as a spouse, parent, child, brother, sister, grandparent, or grandchild and includes the step, half, and in-law relationships.

X PLANNING BOARD POLICY:

The Planning Board may establish Planning Board policies in the same manner as an amendment to these Rules of Procedure.

XI SUSPENDING THE RULES OF PROCEDURE:

The Planning Board may not suspend provisions of these rules that are imposed by law; however, if the Board wishes to act in a manner that is legally permissible but cannot be accomplished without violating these rules, a rule or rules may be suspended by a majority of those members present and voting.

XII AMENDMENTS:

These Rules of Procedure may be amended by a majority vote of the Board provided that the proposed change shall have been submitted in writing at the previous regular meeting of the Board. Submissions to amend these Rules of Procedure may only be proposed by current Planning Board members, City Council members, or City of Salisbury staff.

Adopted May 12, 1970; ***Amended*** 6/13/72; 1/11/77; 5/10/77; 9/9/80; 3/10/81; 2/7/84; 5/12/87; 8/14/90; 9/11/90; 3/8/94; 2/9/99; 11/14/00; 3/27/01; 9/25/01; 6/22/04; 8/9/05; 8/8/06; 3/24/09; 6/14/11; 3/24/15; 11/10/2020